

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIFA MUHAMMAD,

Plaintiff,

No. CIV S-02-0006 LKK CMK P

vs.

SAN JOAQUIN COUNTY JAIL, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On May 10, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 10, 2006, are adopted in full;

2. Defendants' motion for summary judgment on the basis that no municipal liability exists is DENIED;

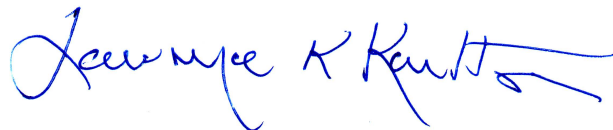
3. Defendants' motion for summary judgment on the basis of qualified immunity is granted in part and denied in part;

4. Summary judgment on the basis of qualified immunity is GRANTED with respect to plaintiff's claims that defendant Baxter Dunn, in his individual capacity and defendant Kristen Hamilton, in her individual capacity, violated plaintiff's right to freely exercise his religious beliefs by not providing Friday services for Muslims;

5. Summary judgment on the basis of qualified immunity is DENIED with respect to plaintiff's claims that defendant Baxter Dunn, in his individual capacity and defendant Kristen Hamilton, in her individual capacity, violated plaintiff's right to freely exercise his religious beliefs by not providing plaintiff with after-sundown meals during Ramadan; and

6. This action shall proceed on plaintiff's First Amendment claims against San Joaquin County Jail and defendants Dunn and Hamilton, in their official capacities, and on plaintiff's claim that defendants Dunn and Hamilton, in their individual capacities, violated his First Amendment right to freely exercise his religious beliefs by failing to provide him with after sundown meals during Ramadan.

DATED: July 25, 2006.



UNITED STATES DISTRICT JUDGE

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